

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NOS. 2:16-00021
2:08-00070

TIMOTHY LEFTENANT

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 6, 2020, the United States of America appeared by Kathleen Robeson, Assistant United States Attorney, and the defendant, Timothy Leftenant, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Justin L. Gibson. On May 28, 2019, the defendant commenced a 27-month term of supervised release on Count One and a 51-month term on Count Two in Criminal No. 2:08-00070, and a 33-month term of supervised release in Criminal No. 2:16-00021, as more fully set forth in the Supervised Release Revocation and Judgment Order entered on May 10, 2019.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant left his employment with United Talent on or about August 6, 2019, without notifying the probation officer of his change in employment; (2) the defendant resided at 523 Maxwell Street, Apartment C, in Charleston, West Virginia, and left on or after August 16, 2019, and failed to report his change of address to the probation officer rendering his whereabouts unknown at the time of the filing of the petition; (3) the defendant failed to submit written monthly reports for July through October of 2019; and (4) the defendant was arrested on or about March 6, 2020, in Licking County, Ohio, based on the outstanding warrant issued in this case and did not have permission of the court or probation officer to travel outside the Southern District of West Virginia; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.


And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FIVE (5) MONTHS, imposed as to each of Counts One and Two in Criminal No. 2:08-00070 and in Criminal No. 2:16-00021, all of which is to run concurrently, to be followed by a term of supervised release of twenty-two (22) months on Count One and forty-six (46) months on Count Two in Criminal No. 2:08-00070 and twenty-eight (28) months in Criminal No. 2:16-00021, all of which is to run concurrently, upon the same terms and standard conditions as heretofore.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 21, 2020



John T. Copenhaver, Jr.
Senior United States District Judge